

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANGELO FERGUSON,
 #1893172

Plaintiff,

vs.

STATE BAR OF NEVADA, *et al.*,

Defendants.

2:11-cv-00256-RLH-GWF

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. On April 14, 2011, the court dismissed plaintiff's complaint with leave to file an amended complaint regarding his Eighth Amendment medical claim only (docket #5). Plaintiff has filed a motion for appointment of counsel (docket #7), which this court denied on May 25, 2011 (docket #11). However, more than the allotted time has passed, and plaintiff has not filed an amended complaint. Accordingly, plaintiff's action must be dismissed with prejudice for failure to state a claim for which relief may be granted.

Next, plaintiff has filed a "memorandum" (docket #12) as well as a "letter" (docket #13). Such *ex parte* communications with the court are improper, *see* Local Rule 7-6(a), and shall be stricken.

1 Finally, this court certifies that any *in forma pauperis* appeal from its Order would not
2 be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3). *See Coppedge v. United States*, 369 U.S.
3 438, 445 (1962); *Gardner v. Pogue*, 558 F.2d 548, 550 (9th Cir. 1977) (indigent appellant is permitted
4 to proceed *in forma pauperis* on appeal only if appeal would not be frivolous).

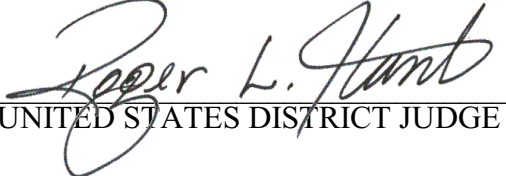
5 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** with prejudice for
6 failure to state a claim for which relief may be granted.

7 **IT IS FURTHER ORDERED** that the Clerk shall **STRIKE** the following documents
8 filed by plaintiff: memorandum (docket #12) and letter (docket #13).

9 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly
10 and close this case.

11 **IT IS FURTHER ORDERED** that this court **CERTIFIES** that any *in forma pauperis*
12 appeal from its Order would not be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3).

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15 DATED this 6th day of June, 2011.

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18 UNITED STATES DISTRICT JUDGE
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